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FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON MA 02110

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FEB 05 2004

In re Application of :
Gordon :
Application No. 10/633,177 :
Filed: August 1, 2003 :
Attorney Docket No. STE-023.01 (18903-2301) :
For: SYSTEMS AND METHODS FOR WELDING OF :
PARTS :

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition filed November 13, 2003 requesting, in effect, withdrawal of the Notice to File Missing Parts of Nonprovisional Application, mailed October 30, 2003. The petition will be treated under 37 CFR 1.53(e).

The petition under 37 CFR 1.53(e) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted.

The application was filed on August 1, 2003. On October 30, 2003, the Office of Initial Patent Examination mailed a Notice informing petitioner that an executed declaration and figures 5 and 6 as described in the specification appeared to have been omitted.

In response to the Notice, petitioner filed the present petition. Petitioner desires figures 5 and 6 to be accorded a filing date of August 1, 2003 on the basis that 4 pages of informal drawings were received in the Patent and Trademark Office (PTO) on August 1, 2003. In support, the petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing August 1, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 4 pages of informal drawings and an executed declaration. A review of the application file reveals that there is no declaration present and there are only 2 sheets of drawing figures present, depicting figures 1, 2, 3, and 4.

The return postcard constitutes *prima facie* evidence that an executed declaration and 4 sheets of drawing figures were filed on August 1, 2003. MPEP 503.

Unfortunately, the instant petition is incomplete. Petitioner has not provided a copy of the executed declaration. Petitioner has not provided a copy of drawing sheets 3 and 4. The application cannot undergo further processing without a copy of the executed declaration and drawing sheets 3 and 4.

The application file will be retained in the Office of Petitions until copies of the executed declaration and drawing sheets 3 and 4 are submitted. Once the omitted documents are submitted and the petition is granted, the \$130.00 petition fee submitted with the instant petition will be credited to petitioner's deposit account.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450
ATTN: E. Shirene Willis

By hand: Crystal Plaza 1 Lobby
2011 South Clark Place
Room 1B03
Arlington, VA 22202
ATTN: E. Shirene Willis

By FAX: (703) 872-9306
ATTN: Office of Petitions -- E. Shirene Willis

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions